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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Puska	1390-0124P	4240

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER


VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/831,279	LAIJOKI-PUSKA, RITVA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steve M Varner	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4-8,10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-8,10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The finality of the Final Office Action of 3/30/04 has been withdrawn and this new Non Final Office Action is presented.

Claims 1, 3, 9, 20, are cancelled.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "water area" in line 10. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Morita.

Regarding claim 12, Morita shows an indoor swimming pool (Title).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3635

Claims 2, 4-7, 10, 11, 13-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. in view of Brown.

Regarding claims 4, 10, 15, Stein et al. teaches mechanical and electrical equipment for buildings. (Title) The word "building" implies a spatial structure having wall and roof structures, which define one interior space, separated from the ambient air in a unitary interior space. Climate in each separate space or zone can be separately regulated by local systems. (Page 321, 322) Stein et al. does not teach winter temperatures in one separate space. Brown teaches winter temperatures in one separate space. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have winter temperatures in a separate space as in Brown in the structure of Stein et al. for the enjoyment of winter activities indoors.

Stein et al. teaches one heating apparatus (furnace) arranged for the temperature regulation of different spaces or rooms, said apparatus being common for several partially closed separate spaces (Fig. 7.30).

It is well known in the art to have refrigerators, which expel heat to the surrounding warmer separate space in a building. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have a refrigerator as is known in the structure of Stein et al. to store perishable items in.

Regarding claim 2, Stein et al. shows separate spaces with different functional groups. (Page 433)

Regarding claim 5, Stein et al. shows a separate space (physical education) (A) outside of the unitary space (rest of the building). (Page 433)

Art Unit: 3635

Regarding claim 16, Stein et al. shows the basic claimed structure. Stein et al. does not show two main sections, one being a refrigerated field. Brown shows two main sections, outside the freezer and inside the freezer. The freezer contains a refrigerated field. It is well known in the art to put freezers in restaurants, which would be one of the main sections. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to put a freezer in the structure of Stein et al. to provide habitat for Nordic wildlife.

Regarding claim 18, 19, Stein et al. does not show a snow hotel or a ski slope. Brown shows a snow hotel and a ski slope. (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have a snow hotel and ski slope as in Brown in the structure of Stein et al. for the enjoyment of the patrons.

Regarding claim 6, Stein et al. shows the basic claimed structure. Stein et al. does not show natural plants and animals in apartments. It would have been an obvious design choice to have plants and animals in an apartment since it is designed for human occupancy.

Regarding claim 7, 11, 17, Stein et al. shows the basic claimed structure. Stein et al. does not show seasonal variation of temperatures in its separate spaces, each containing plants representing one of four seasons. It would have been an obvious design choice to regulate the temperature in the separate spaces of apartments to mimic seasons to the preference of the occupant. The plants would grow according to the seasonal variation of temperatures.

Regarding claim 13, 14, Stein et al. shows the basic claimed structure. Stein et al. does not show functional groups of activities have in common a special climatological temperature in the respective separate space and can be observed from outside the separate space through a transparent wall. It is well known in the art that apartments have functional groups of activities sharing a common temperature, which can be observed outside the separate space through a transparent wall or window. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have shared temperature in functional groups with observation windows in the structure of Stein et al. This would provide for a desirable environment for the inhabitants in the functional groups of activities while enabling the inhabitants to look out of or into their environment.

### ***Response to Arguments***

Applicant's arguments filed 12/16/03 have been fully considered but they are not persuasive.

The allowable material in claims 4, 8, 10, 15, has been reconsidered in view of the fact that the Final Office Action of 3/30/04 has been withdrawn and this new Non Final Office Action presented since Examiner felt the Final Office Action of 3/30/04 was not adequate.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yates et al. shows a floor for a refrigeration system. Kline et al.

Art Unit: 3635

shows process and apparatus for individual adjustment of the temperature set points of a plurality of VAV devices through a network server.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-08390839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV  
November 15, 2004



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600